

Consider what men are when they are eating, sleeping, generating, easing themselves, and so forth, then what kind of men they are when they bear themselves haughtily, or are angry and scold from their lofty place.—Marcus Aurelius.

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Advertising pays when it is made to pay. The plowing, planting and growing of a crop is not profitable without harvesting it. We are continually meeting advertisers who seem to expect the fruits of advertising to harvest themselves.—Mahn Messenger.

ASSASSIN AN ANARCHIST FROM SICILY

Slayer of Father Leo Manifests Fiendish Joy Over His Dark Deed.

REDEDICATION OF THE DESECRATED CHURCH

DISTRICT ATTORNEY AT DENVER ARRANGING FOR SPEEDY TRIAL OF GIUSEPPE ALIO.

Denver, Colo., Feb. 24.—St. Elizabeth's Catholic church, desecrated by the murder of Father Leo Sunday morning, was rededicated with solemn ceremony this afternoon. The service was conducted by Rev. Percy A. Phillips, chancellor of the diocese, and having been authorized by a telegram from Bishop Matz, who is now in Los Angeles. The blessing today will be followed by reconstruction services upon the return of the bishop to the city.

District Attorney George A. Stieger is arranging for a speedy trial of the man who killed Father Leo and who is now confined in jail at Colorado Springs under a strong guard. It is likely that he will be brought back to Denver the latter part of this week or the first of next week, and immediately arraigned on an information of murder in the first degree. Yesterday the murderer said his name was Giuseppe Guaracino, and from papers found in his lodgings today the police officials were led to believe that his name might have been Angelo Gabriele, but it is now believed that the man's right name is Giuseppe Alio, as declared by him in a statement made in jail at Colorado Springs today.

Colorado Springs, Colo., Feb. 24.—Giuseppe Alio, the anarchist, who shot and killed Father Leo Heinrichs at Denver yesterday, and who is being held in jail here, says that he was moved to kill the priest by the ringing of the church bells, which reminded him of his home in Sicily, which, he says, was wrested from him by the church.

It appeared from statements made by the murderer in answer to questions that when living in Italy he was expelled from the church in consequence of his anarchist teachings, and his wife then left him. Her desertion, it seems, further enraged him against the church and priests, and when he heard the church bells ringing yesterday morning he determined to go out and kill one priest at least, and more if he could accomplish his murderous design.

The murderer said today that Giuseppe Alio was his right name, and that he was born in the city of Aviano, Sicily, Aug. 10, 1857. He said he went to Buenos Ayres in 1905 and the revolver with which he killed Father Leo was purchased there. He arrived in New York City May 1907, and left for Kansas the following August. After working forty-three days as a section hand at Ellis, Kas., he came to Denver Nov. 9 last. Since then he had worked but little.

NO PARALLEL TO KILLING.

Manner of His Death May Make a Saint of Father Leo.

Denver, Feb. 24.—In the centuries of history of the Roman Catholic church, members of its priesthood in this city declare, there is no record of a tragedy to parallel that of the killing of Father Leo while administering the sacrament to Giuseppe Alio at the altar of St. Elizabeth's church yesterday morning. Never before has a servant of the church been summoned from the performance of his duties in so tragic a manner. This crime will stand out as one of the most fearful in criminal records of the world, and its perpetration probably will result in the elevating of Father Leo to the position of martyr and lead to his canonization as one of the saints of the church, whose service he fell while performing his duty.

Interment at Paterson.

Father Euzebius, senior assistant pastor of St. Elizabeth's church, received a telegram last night from the father provincial of the Franciscan Brothers in Paterson, N. J., instructing him to forward the body of Father Leo to that city for interment. Father Euzebius will accompany the body.

Funeral services will be held at St. Elizabeth's church at 10 o'clock Wednesday morning, when solemn requiem high mass will be celebrated.

Father William O'Ryan, pastor of St. Leo's church, will deliver an eulogy and a sermon against anarchy and socialism. The funeral services will be attended by 500 members of the Knights of Columbus, and the entire body of the

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JUDGE PETER S. GROSSCUP PLEADS NOT GUILTY TO CHARGE OF MANSLAUGHTER

Charleston, Ill., Feb. 24.—Judge Peter S. Grosscup, presiding judge of the United States circuit court at Chicago, with seven other district court judges and employees of the Central Illinois Traction company, was arraigned today before Judge M. W. Thompson, in the Cook county circuit court on charges of criminal negligence and manslaughter.

The defendants arraigned with Judge Grosscup were Arthur W. Underwood, Francis S. Peabody and Marshall W. Sampson, all of Chicago, and all directors of the company; President E. A. Potter, Chicago; Superintendent Fred

NOT REPEALED BY HEPBURN ACT

Section 1 of the Elkins Law Against Rebating Holds Good.

GREAT NORTHERN BEATEN

OPINION BY SUPREME COURT OF THE LAND.

Chicago, Feb. 24.—"The decision that the Hepburn act does not repeal Section 1 of the Elkins act takes away one of the big points on which the Standard Oil company is basing its appeal from the fine imposed by Judge Landis," said District Attorney Sims in Chicago today.

"Incidentally it is a big feather in Judge Landis' cap. He was the first jurist to decide this point."

Washington, Feb. 24.—The question whether the rate law, known as the Hepburn act, repeals section one of the Elkins act, prohibiting rebates by railroads, was involved in the case of the Great Northern company versus the United States, which was decided today by the supreme court of the United States against the railroad company and against the contention of such repeal.

The case was instituted in the United States district court from the district of Minnesota, which court fined the railroad \$1,000 each for fifteen violations of the first section of the Elkins law.

Admitted Rebating.

The alleged offenses against the law were committed during the summer of 1906 and consisted in granting concessions to the W. P. Devaux company on its shipments of oats and corn from Minneapolis to points in Washington. The company admitted the concessions and fought the prosecution on the ground that by extending the Elkins act so as to provide for punishment by imprisonment rather than by fines, the Hepburn law had so modified the original law as to accomplish its repeal and render punishment under it impracticable. Today's decision was announced by Justice White and affirmed the finding of the district court and the United States circuit court of appeals.

Pending Cases Not Affected.

Justice White said that the effect of the Hepburn law in repealing the Elkins act must be considered in the light of section 13, revised statutes, which provides that the repeal of any statute shall not have the effect of releasing any penalty or liability incurred under the statute repealed. He said it was clear that the mere repeal of conflicting laws is in no way repugnant to that statute, and there could be no contention that, standing alone, the act had the effect of destroying the effect of section 13. Quoting section 107 of the Hepburn act, which provides that the act shall not affect "cases pending in the courts," Justice White said:

"The difficulty of construction, if any, arises from the words 'following the general repealing clause.' But the amendments herein provided for shall not affect causes now pending in the act in custody."

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BOLD BURGLAR CAPTURED

New York Police Discovered That They Wanted Him as Well as the Boston Authorities.

New York, Feb. 24.—James Larkin, aged 21, was arrested today at the request of the Boston police, who said he is wanted in that city to answer a charge of burglary. The police here say he is the man for whom they have been searching for several months in connection with two sensational burglaries in this city.

Larkin is announced to have made a full confession of the New York robberies. William Schwartz, aged 22, was found with Larkin and was taken into custody.

The officers say Schwartz refused to say anything about himself, Larkin, however, told in detail of robberies in the Hotel Endicott and the Hargrave hotel in this city last November which netted the burglars \$5,000 and \$3,000 respectively.

He said, according to the police, that he had three accomplices in the robberies. The four men got to the roof of a gun special policeman who surprised them and three of them held him prisoner while Larkin went down the fire escape and entered a room on the third floor. Larkin said he kept the maid covered with a revolver while he ransacked the apartment and got away with jewels valued at \$5,000. He also, the police say, told of robbing the Hargrave hotel and said that he had been recently treated in the division of the boot.

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New Item—The Chicago street railway employees are cautioned by the companies to be more polite. Rumor—It might be tried in Salt Lake.

MUCH TROUBLE SEEMS LIKELY

Constitutionality of Wyoming Apportionment Acts-Subject of Attack.

(Special to The Herald.)

Cheyenne, Wyo., Feb. 24.—In connection with the attack made in the supreme court upon the constitutionality of the legislative apportionment acts of 1907, 1901 and 1893, the startling contention is made that if the suit filed by Senators Sullivan and Williams succeeds every law passed by every Wyoming legislature, with the exception of that of 1893, must be declared unconstitutional. The contention is that if the legislative apportionment act of 1893 was unconstitutional there has not been a constitutional legislature since that time, as the next legislature was elected in accordance with the alleged unconstitutional act, as were later assemblies, except those of 1903, 1905 and 1907, which were elected under a new apportionment act passed by the allegedly unconstitutional legislature of 1901. If the legislatures were unconstitutional, it is asserted, all laws they passed were without authority of the constitution.

The suit of Senators Sullivan and Williams succeeds, the secretary of state will be compelled to call the next election on the basis of the constitutional apportionment, which means that Big Horn, Weston and Natrona counties would be entirely without representation, as they were created after the adoption of the constitution and by alleged unconstitutional legislatures.

The middle caused by the filing of the suit attacking the constitutionality of the apportionment acts is the most complicated and far-reaching in the history of Wyoming.

DODGING THE INJUNCTION

Editorial in the Federationist Signed by Gompers Attacking Decision in Hat Case.

Washington, Feb. 24.—Over the signature of Samuel Gompers, an editorial in the American Federationist for this month attacks the recent decision of the supreme court of the United States in the case of Loewe & Co., popularly known as the "hat case," which is declared to be "the most drastic and far-reaching decision which it has ever handed down," and as affecting directly all labor, and hence the whole people. The editorial begins with the statement that "labor organizations must not be outlawed," and then proceeds at great length to review the court's decision, pointing out, with a view to showing that the court erred, that there is no law, any, not even a court decision, compelling union men and the friends of labor to buy "naming the particular articles which form the basis of the supreme court decision."

JAIL AND FINE.

(Special to The Herald.)

Washington, Feb. 24.—George Dick, a Umatilla Indian, convicted in the federal courts of Idaho for selling liquor to Indians at Culebras, on the Nez Perce Indian reservation, will have to pay a fine and serve the jail sentence imposed by the lower courts. The United States supreme court today affirmed the decision of the lower courts, holding this act to have been in violation both of the law and of the treaty with the Indians.

HARTJE'S TURN AS DEFENDANT

Pittsburg Millionaire in the Dock on Three Criminal Charges.

Pittsburg, Feb. 24.—Augustus Hartje, the millionaire paper manufacturer, John L. Welshous, a hardware dealer, and Clifford Hooe, a negro, formerly employed by Hartje as a coachman and named as correspondent in the famous divorce proceedings instituted by Hartje against his wife, Mrs. Mary Scott Hartje, were placed on trial today in criminal court, charged with conspiracy to blacken the character of Mrs. Hartje.

All the defendants were in court, Hooe having been brought from the western penitentiary, where he is serving a seven years' sentence for perjury as a result of charges growing out of the divorce case. Later Hooe waived the right of appearing at the trial and was excused by Judge MacFarland. Mr. Hartje was not in court.

Charges Consolidated.

There is one charge of conspiracy against the defendants, one of subornation of perjury and one of conspiracy and subornation of perjury. Attorney Morrow, attorney for Hartje, asked the court for the privilege of consolidating all of the charges so as to have but one trial instead of three. Attorney Robb, for the commonwealth, acquiesced and the court made the order. As District Attorney Goehring is a full cousin of Hartje, the interest of the commonwealth is being looked after by Attorneys Freeman, Robb and Acheson, all of counsel for Mrs. Hartje.

Attorneys Morrow and Ferguson represent Hartje.

Motions to quash the charges of subornation of perjury and conspiracy were overruled.

CLAIMS TO HAVE THE PROOF

Lilly of Connecticut Makes Formal Charges Against the Electric Boat Company.

Washington, Feb. 24.—Representative Lilly of Connecticut today submitted to the rules committee of the house formal charges that the Electric Boat company had used wrongful methods to secure legislation. He declared his ability to prove his charges when the committee takes them up for consideration, which probably will be tomorrow.

The standing committee of correspondents today investigated charges that Washington newspaper correspondents are involved in this matter.

WORK SUSPENDED.

Topeka, Kan., Feb. 24.—Orders have been issued suspending work on the line known as the Pan Handle, being reconstructed from Mulvane, Kan., to the west line of the Pan Handle in Texas. Millions have already been spent in this reconstruction work to make a low grade freight line to the Pacific coast.

SHOP MEN LAID OFF.

Topeka, Kas., Feb. 24.—Notices were posted in the Santa Fe shops at Newton today that employees need not report for work till Monday, March 2. About 200 are affected.

PLENTY OF JOBS FOR OPERATORS

Salt Lake, Santa Fe and Southern Pacific Will Obey New Federal Law.

Los Angeles, Feb. 24.—With less than ten days until the new federal law limiting the hours of certain railroad employees shall become effective, Los Angeles railway officials are preparing as best they can for the necessary changes which must be made.

Approximately 140 new telegraph operators will be required in the territory governed by Los Angeles general offices. The Santa Fe will need the greater portion of these. If it keeps all its offices open, it will require eighty-one men on its coast line in addition to its present force. There is a possibility that it will not be able to get that number at once, if so, it will be necessary to close a few offices all or a part of the time until the additional men can be found.

Southern Pacific and Salt Lake officials say they expect no trouble in securing the additional men they will need. The Southern Pacific will require thirty or forty men on its southern division, reaching from El Paso to Fresno and Santa Barbara, while the Salt Lake will need eighteen or twenty.

Topeka, Kas., Feb. 24.—Announcement was made at the general manager's office of the Santa Fe today that 48 new operators will be required on the system, the gulf lines excepted, to comply with the provisions of the federal nine-hour law, to go into effect March 4. About sixty are required on the eastern grand division. The officials do not know whether they will be able to get the requisite number of new men or not.

ARGUMENTS OF STOCKMEN

House Committee on Interstate Commerce Listens to Western Interests on Pending Bill.

(Special to The Herald.)

Washington, D. C., Feb. 24.—Hearing was given today by the house committee on interstate commerce to western stockmen in support of the bill to compel railroads to maintain a minimum speed of sixteen miles an hour for trains carrying livestock to market. Addresses favoring the proposed legislation were made by President Fred W. Gooding and Secretary George S. Walker, of the National Wool Growers' association; J. M. Wilson and E. J. Bell, Wyoming; C. B. Stewart, E. H. Callister, John H. Seeley, Utah; L. L. Ormsby, P. G. Johnson, Idaho, and Robert Scott, Arizona.

The stockmen contended that there should be a specific law requiring railroads to maintain at least sixteen miles an hour for stock trains rather than place the matter, as has been proposed, in control of the interstate commerce commission.

Visiting stockmen, after the close of the hearings before congress, will go to El Paso to confer with wool commission houses and manufacturers regarding methods of marketing, grading and shipping wool.

LITTLE ONES CREMATED.

El Paso, Tex., Feb. 24.—Three children of Mr. and Mrs. W. A. Davis, the eldest three and a half years old, were burned to death yesterday afternoon in a fire which destroyed their home in Santa Rosa, N. M. It is supposed the fire was started by explosion of a gasoline stove while Mrs. Davis was calling upon a sick neighbor.

SANDY MEETING IS FRIENDLY TO U. S. SMELTER

Committee Named to Make Effort to Reconcile Opposing Farmers.

SPEAKERS ASK FAIR PLAY FOR COMPANY

SUGGEST THAT ENTERPRISE GET SAME RIGHTS ACCORDED TO THE A. S. & R. COMPANY.

Business men, workmen and farmers gathered at Sandy last night to discuss the smelter situation. The chief topic of interest at the meeting was the operation of the smelter of the United States company at Bingham Junction. After many speakers were heard, a committee of five was appointed to confer with the farmers and with the president and officers of the United States company, for the purpose of bringing about some sort of understanding by which the smelter can operate. The committee was composed of C. C. Crapoe of Sandy, John A. Walker of Union, Heber A. Smith of Draper, C. E. Gauthier of Bingham Junction, and F. A. Cooper of West Jordan.

The meeting was called to order by W. W. Wilson, who explained that it would be necessary for those present to choose a chairman. At this, Samuel Perry demanded to know who had called the meeting.

"Was it called by the farmers," he asked, "or was it called by the citizens at large?"

Mr. Wilson replied that he did not know, but added that it was understood that it was to be a gathering of farmers, business men and smelter workmen.

Wilson Favors Smelter.

Some one in the crowd placed Mr. Wilson in nomination for chairman. There were no other nominations, and he was chosen. Clifford I. Goff was made secretary.

In taking the chair, Mr. Wilson said: "At Bingham Junction, the American Smelting & Refining company is running. It seems to be only a matter of simple justice that the United States plant at Bingham Junction should be allowed to run on the terms granted to the smelter at Murray. The purpose of this meeting, as I understand it, is to arrange for the petitioning of Judge Marshall of the federal court to grant the United States company the right to operate on the same terms as the American Smelting & Refining company. This petition is to be signed by farmers, workmen and business men of the southern portion of Salt Lake county."

"There is not a man in this part of the county who could justly oppose the opening of the smelter to its full capacity if it can be run without damaging the farmers."

Chairman Wilson then introduced David O. Rideout of Draper.

David Rideout's Appeal.

"As I live at Draper," said Mr. Rideout, "I have no ulterior motive, no mercenary hope of gain in wishing to see the United States company given a 'square deal.' I can honestly say that I am a friend of the business man, the farmer and the laborer. When Judge Marshall's decision was rendered, a farmer called me up on the telephone to inform me of what had happened. He declared that I wished to see the

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ALLEGED RAILWAY MERGER

Governor Haskell of Oklahoma Orders Suit Brought Against the Rock Island and Frisco Lines.

Guthrie, Ok., Feb. 24.—Governor C. N. Haskell tonight sent a communication to Attorney General West in which he ordered him to institute proceedings to dissolve an alleged merger between the Rock Island and the Frisco railroads in the new state. The governor recites that the interests of the two roads are pooled and under the same management, and that they are in every sense competitive. The governor's letter states that the people of the new state have the right of the benefit of the competition of competitive lines.

The letter demands that the proceedings demand a complete dissolution of the alleged combination and the perpetual maintenance of the two systems as distinct and separate roads.

Attorney General West stated that he would immediately start the suit. The Rock Island bisects the state with through lines, both east and west and north and south. The Frisco has a line from the northeast to the southwest. Both roads have many branch lines.

PERFUNCTORY VOTE.

Frankfort, Ky., Feb. 24.—By agreement only a perfunctory ballot was taken in the senatorial race today. The vote resulted: Beckham 1, Bradley 1, James 1.

NASI ACCLAIMED BY THE PEOPLE IN SPITE OF CONVICTION FOR THEFT

Rome, Feb. 24.—The senate, sitting at a high court, after ten hours' deliberation, today convicted Nunzio Nasi, former minister of public instruction, of embezzlement from the state treasury. It sentenced him to eleven months and twenty days' imprisonment, and debarred him from holding public office for four years and two months.

The punishment of Nasi is not so severe as might appear, for the court found extenuating circumstances and permitted the imprisonment of the accused had already undergone to be subtracted from the sentence. This leaves only a few days for him to serve in prison. Nasi's secretary, Lombardo, who was also on trial before the senate, was acquitted for lack of evidence.

The former minister was greatly distressed at the verdict, and exclaimed:

MOVEMENT TO RETIRE SMOOT GATHERS FORCE

Senator to Have a Real Fight on His Hands if He Persists.

PLANS FORMING FOR A MASS CONVENTION

CENTRAL COMMITTEE OF FIFTEEN MEMBERS, MAY BE ANNOUNCED TODAY.

Senator Smoot is to have the pleasure of a real fight in his own party if he persists in his purpose to be again a candidate for United States senator. Also, his boss-ship of the Republican party is to be challenged by a following of Republicans, who insist that they can get along without a boss and, furthermore, that they intend to worry along without being compelled to take orders from Apostle Smoot.

At the meeting of independent Republicans held in this city last week, the temporary chairman of the organization, John Q. Critchlow, was authorized to name a committee of fifteen who should issue a call for a state mass convention of men who are opposed to the continuation of the Smoot political dynasty. It is likely that this committee will be named today and the call issued within a short time.

Movement State Wide.

According to men who are interested in this movement to eliminate Mr. Smoot as dictator of the Republican party, support will be forthcoming from every corner of the state. One of the leaders of the Republican party said yesterday: "We started this movement more than a year ago, but we did not go on with it. Senator Smoot's friends came to us and told us we were dealing him unfairly to attack him while he was under fire at Washington. It didn't seem exactly fair at that time and we stopped, not because we were favorable to his political ambitions, but because he was a Republican who had been elected to office, and whose claim to that office was assailed. We won't stop again. His being an apostle will not prevent our waging as powerful a fight as we can against him. When we stopped the fight before, we had at least an implied assurance that at the end of his term he would quietly drop out of politics. This, it seems, is not to be kept."

Howell is Willing.

Senator Sutherland, it is stated, is inclined to be sympathetic to the new movement, but it is regarded as doubtful if he will give the enemies of his colleague open support. If he is inclined up with them, Congressman Howell also is spoken of as more than willing to have Mr. Smoot's ambitions toppled. Mr. Howell has in mind a gentleman from Cache county whom he would like to see in the senatorial place now occupied by the tall man from Provo.

The fight on the Smoot dictatorship is supposed to begin right away, and not to end until the party has been purified, which, to the unbiased observer, would indicate a somewhat prolonged scrap. First of all, an effort will be made to prevent Mr. Smoot from naming the delegates to the Republican national convention. The plan of the party bosses at present is to send to Chicago the two senators, Smoot and Sutherland, Congressman Howell and three docile followers who will stand without hitching while Mr. Smoot is away from home in Washington. This plan the independents propose to upset. They want the selection left to the state convention without dictation from Smoot or any other person.

State Convention Plans.

After the national convention delegates have been chosen, the next item on the independent program will be the preparation for the state convention to name a state ticket. If the independents have their way they will endorse a candidate for senator at the state convention, who will not be Mr. Reed Smoot. At the same gathering they intend to name a state ticket themselves. This duty, delegated to Mr. Smoot and his little circle of intimate advisers by the state convention of 1904, they intend to perform themselves this year. If they are able to muster the necessary votes to control the convention, Governor John C. Cutler will not find the next four years filled with official duties. So far as can be learned, the independents have no present candidate for state office, though undoubtedly there are plenty in the background modestly awaiting the clarion call of duty and the granolaphy.

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"Even after condemnation, I feel like an honest man."

Strong forces of police and soldiers guarded the building where the senators deliberated, though guards being placed at all entrances and even on the roof. No one was allowed to enter or leave the building until the court had reached its decision. On the announcement of the verdict, there was a boisterous demonstration on the street, several hundred persons crying "Long live Nasi."

The severest measures have been adopted to preserve order in Sicily. Smoot, Nasi being a Sicilian, and very popular with all his people. Telephone communications with that country have been cut off to avoid the receipt of incorrect reports.

A large number of men who are considered dangerous by the police in the present emergency have been arrested.